

54452-6

7/24/2014

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Janet Kintz-Early
Nisus Corporation
100 Nisus Drive
Rockford, TN 37853

JUL 24 2014

Subject: Label Notification(s) for Pesticide Registration 98-10

Dear Ms. Kintz-Early:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated for June 17, 2014 for:

Alternate Brand Names:

- Dominate Roach Gel Bait**
- Expel Roach Gel Bait**
- Allicio Roach Gel Bait**
- X-OUT Roach Gel Bait**
- Phero Roach Gel Ant**

The Registration Division (RD) has conducted a review of this request for applicability Under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

EPA Registration Number 54452-6 PRO-JOE-S™ Roach Bait/Gel Formula 15

Please re reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

Mark Suarez
Product Manager
Insecticide Branch
Registration Division (7504P)



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 54452-6	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) PRO-JOE-S Roach Bait/Gel Formula 15	PM # 13	
5. Name and Address of Applicant Nisus Corporation 1 00 Nisus Drive Rockford, TN 37853 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: NOTIFICATION EPA Reg No. JUL 24 2014 Product Name	

Section - II

<input type="checkbox"/> Amendment - Explain below	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below	<input type="checkbox"/> Other - Explain below

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

See Attached

Section III

1. Material This Product Will be Packaged in:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic, PETE
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container Varied		5. Location of label directions <input checked="" type="checkbox"/> On Label <input checked="" type="checkbox"/> On Label accompanying product	
6. Manner in Which Label is Affixed to Productx		<input checked="" type="checkbox"/> Lithograph	<input type="checkbox"/> Other _____		
		<input type="checkbox"/> Paper glued			
		<input type="checkbox"/> Stenciled			

Section IV

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Janet Kintz-Early	Title Ph.D Entomologist and Regulatory Affairs Manager	Telephone No. (Include Area Code) 865-577-6119
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law		6. Date Application Received
2. Signature 	3. Title Ph.D Entomologist and Regulatory Affairs Manager	(Stamped)
4. Typed Name Janet Kintz-Early	5. Date 6/17/14	

Section II (cont.)

Notification of label revisions and corrections in accordance with PR Notice 98-10.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

Specifically, the changes being proposed are:

This this registration has transferred ownership from Blue Diamond Exterminating & Manufacturing Co. Inc. to Nisus Corporation. A copy of the EPA letter acknowledging this transfer is included for reference. As a result of this change in ownership of this registration and company number, the following changes are being made to the label:

- 1). The name and address of the manufacturer has changed to Nisus Corporation.
- 2). CAS Number has been added to the ingredient statement.
- 3). The EPA Establishment No. is no longer 54452-TN-1, a new number will be provided on the final label of any product produced.
- 4). Additional package sizes have added, and disposal instructions for larger containers.
- 5). The warranty statement has been changed to the standard language used on other Nisus products.
- 6). Alternate Brand Names have been added.
- 7). The statement, "NOT FOR INDIVIDUAL SALE," has been added to the label of the small unit packaging.
- 8). Minor grammatical corrections (e.g. removal of unnecessary punctuation) have been made.

Please find attached a copy the label with all changes marked and a copy of the label with all changes incorporated (clean copy).

This Notification is intended to replace the Notification dated 5/2/2014.

Please note that Blue Diamond had submitted a notification of label changes prior to the transfer with application dated March 20, 2014. Those changes are included on the labels provided here, as changes were to bring labels into compliance with current labeling requirements.



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June 17, 2014

Mark Suarez, PM13
Office of Pesticide Programs (7504P) (NOTIF)
U.S. Environmental Protection Agency
Document Processing Desk
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Subject: Notification of Label Revisions for PRO-JOE-S Ant Bait/Gel Formula 15, EPA Reg. No 54452-6; and PRO-JOE-S Ant Bait/Gel Formula 4.5, EPA Reg. No 54452-7

Dear Mr. Suarez:

Nisus Corporation (100 Nisus Drive, Rockford, TN 37853, EPA Company Number 54452), is submitting a Notification of label revisions in accordance with the provisions of PR Notice 98-10 for the subject products. These registrations have transferred ownership from Blue Diamond Exterminating & Manufacturing Co. Inc. to Nisus Corporation. A copy of the EPA letter acknowledging this transfer is included for reference. As a result of this change in ownership of this registration and company number, changes are being made to the labels. Please find enclosed the following documentation for each product in support of these actions:

- EPA Form 8570-1
- A copy of the EPA Letter acknowledging the transfer
- A copy of label with all changes highlighted
- A copy of the label with all changes incorporated (clean copy)

The changes proposed include:

- 1) The name and address of the manufacturer has changed to Nisus Corporation on all labels.
- 2) CAS Number has been added to ingredient statement.
- 3) The EPA Establishment No. is no longer 54452-TN-1, a new number will be provided on the final label of any product produced.
- 4) Additional package sizes have been added, and disposal instructions for larger containers.
- 5) The warranty statement has been changed on all labels to the standard language used on other Nisus products.
- 6) Alternate Brand Names have been added.
- 7) The statement, "NOT FOR INDIVIDUAL SALE," has been added to the label of the small unit packaging.
- 8) Minor grammatical corrections (e.g. removal of unnecessary punctuation) have been made.

This Notification replaces the Notification dated 5/2/2014 for this product. If you have any questions or need additional information, please do not hesitate to contact me at (865)577-6119 or e-mail at janete@nisuscorp.com.

Sincerely,
for Nisus Corporation

A handwritten signature in black ink, appearing to read "Janet Early".

PRO-JOE-S™ Roach Bait/Gel Formula 15

{Alternate Brand Names:}
[Dominate Roach Gel Bait]
[Expel Roach Gel Bait]
[Allicio Roach Gel Bait]
[X-OUT Roach Gel Bait]
[Phero Roach Gel Ant]

NOTIFICATION

JUL 24 2014

CAUTION KEEP OUT OF REACH OF CHILDREN

For use in and around homes, commercial, industrial, institutional, food and feed handling establishments.

[See complete Directions for Use inside label.] [See disclaimer inside label.]

See label [back panel] [side panel] for additional precautionary statements, first aid treatments and directions for use.

Use only in areas not easily accessible to children and pets.

Active Ingredients:

Boric Acid (CAS No. 10043-35-3).....15%
Other Ingredients:85%
TOTAL.....100%

NET CONTENTS: 4- 1.06 oz (30g) reservoirs TOTAL CONTENTS: 4.24 oz (120 g)
 10- 1.06 oz (30g) reservoirs TOTAL CONTENTS: 10.6 oz (300 g)
 10 fl oz tube (295.7 cc)
 20 oz pail (567 g)
 50 gallon drum (189.3 L)
 55 gallon drum (208.2 L)
 250 gallon tote (946.4 L)

EPA Registration No. 54452-6

EPA Est. No. _____

{The batch code or lot number will appear either on the container or labeling per PR Notice 2007-4}

FIRST AID

If Swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor.
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	<ul style="list-style-type: none"> • Do not give anything by mouth to an unconscious person.
If in eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on Skin or Clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice
<p>In case of emergency call a poison control center or doctor for treatment advice. Have the product container or label with you when call or going for treatment.</p>	

{Note: The First Aid statements may appear in a paragraph format if market label space does not permit the grid format.}

**PRECAUTIONARY STATEMENTS
 HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Harmful if swallowed. May cause eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

To control cockroaches: Use suitable equipment, such as [the handy squeeze tube;] [a spatula with the wide mouth container;] a bait dispensing gun or hand plunger with the 30 gram syringe, to apply Pro-Joe-S Roach Bait Gel in amounts about the size of a grain of corn about every linear foot at or near harborage or aggregation areas, such as under and behind the refrigerator, stove, sink, dishwasher, washing machine and dryer, tubs; into openings around drains, sewers, manholes, water pipes and electrical conduits; and in cracks and crevices along baseboards and in corners of cabinets, cupboards and closets. Remove drawers in kitchen and bathroom cabinets, bedroom dressers and chests of drawers, then apply the gel into each corner of the drawer wells. Reapply the same as above at least once a year or sooner if infestation should occur. Any gel visible after application must be scraped into cracks and crevices or be removed. Apply in areas inaccessible to children and pets. Avoid contamination of feed and foodstuffs. Do not apply product in non-harborage or non-aggregation areas.

Directions for applying in new construction to control cockroaches: When treating large areas, such as wall, soffit and subcabinet voids in new and existing construction, apply the gel liberally.

Pro-Joe-S Roach Bait Gel may be used in homes, restaurants and other food handling establishments, markets, schools, warehouses, factories, offices, hotels, motels, hospitals, nursing homes, garages, grocery stores, apartment buildings, new construction, industrial plants, theaters, ships, boats, trains, yachts, camps, mobile homes, buses, zoos, kennels, military bases, libraries and utilities.

CRACK AND CREVICE TREATMENT

FOOD AND FEED HANDLING ESTABLISHMENTS: Places other than private residences in which exposed food or feed is held, processed, prepared or served.

FOOD AREA - APPLICATION LIMITED TO CRACK AND CREVICE TREATMENT ONLY: Includes areas for receiving, storage, packing (canning, wrapping, boxing), preparing, edible waste storage and enclosed processing systems such as mills, dairies, bakeries, restaurants or anywhere food or feed is stored, processed, prepared or served. Serving areas (when food is exposed and facility is in operation) also would be considered a food area.

Apply the product in small amounts about the size of a grain of corn about every one linear foot directly into cracks and crevices, in points between different elements of construction, between equipment and floors, into openings leading to void and hollow spaces in walls and around equipment legs and bases, conduits and motor housings, where cockroaches hide.

For outdoor use: Place bait in areas adjacent to structures where roaches may rest or breed. Apply bait to potential points of insect entry, such as eaves, sills and expansion joints. Apply bait to protected areas whenever possible. Excessive water may reduce the residual effectiveness.

Care should be taken to avoid depositing the product onto exposed food and feed processing and preparation and serving surfaces, or introducing the material into food and or feed processing surfaces to avoid contamination.

APPLICATION OF THIS PRODUCT IN THE FOOD AND FEED AREAS OF FOOD HANDLING ESTABLISHMENTS, OTHER THAN AS A CRACK AND CREVICE TREATMENT, IS NOT PERMITTED.

SERVING AREAS – Includes facilities where prepared foods are served, such as dining rooms, but excludes areas where foods may be prepared or held. Apply as a spot treatment to selective surfaces such as baseboards and under elements of construction into cracks and crevices. Avoid treating surfaces likely to be contacted by food. (Do not apply when facility is in operation or foods are exposed.)

NON-FOOD AREAS - Includes garbage rooms, lavatories (or drains to sewer entries and vestibules), offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage (after canning or bottling).

Apply to baseboard areas, around water pipes and on surfaces behind and beneath sinks, lockers, tables, pallets and similar areas where insects hide or through which they may enter.

NOTE: Do not apply bait to areas which have been recently sprayed with insecticides or spray insecticides over bait placements, as this may cause the bait to become repellent. Do not place bait in locations that are routinely washed, as bait will be removed by washing. Do not place treatments in locations where routine cleansing operations may transfer diluted bait to food or food preparation surfaces.

Numerous smaller placements will provide faster control than a few larger spots, especially for German cockroach control.

{For product packaged in rigid, non-refillable containers less than or equal to 5 gallons:}

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

STORAGE: Store in a dry place. Do not store where children or animals may gain access.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on-site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container.

[OR]

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Wrap used reservoirs and place in a trash can.

{For product packaged in rigid, non-refillable containers greater than 5 gallons:}

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

STORAGE: Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. Do not freeze.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING: Nonrefillable container; do not reuse or refill this container. Triple rinse (or equivalent) container promptly after emptying. Triple rinse as follows: Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Dispose of rinsate. Repeat this procedure two more times. Then offer for recycling, if available; or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill; or by incineration.

Warranty Disclaimer

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. To the extent not prohibited by applicable law, **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use

The directions for use of this product are believed to be adequate and must be carefully followed. It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions, abnormal conditions, the presence of other materials, climatic conditions or the manner of use/ application, all of which are beyond the control of the Manufacturer. The buyer/user assumes all such risks.

Limitation of Remedies

To the extent not prohibited by applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability or other legal theories) shall be limited to, at Manufacturer's election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

To the extent not prohibited by applicable law: a) Manufacturer shall not be liable for losses or damages resulting from handling or use of this product unless Manufacturer is promptly notified of such loss or damage in writing; and b) **IN NO CASE SHALL MANUFACTURER BE LIABLE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING WITHOUT LIMIT, HEALTH RELATED DAMAGES OR INJURIES.**

The terms of this **Warranty Disclaimer** and **Limitation of Remedies** cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Manufacturer or the seller is authorized to vary or exceed the terms of this **Warranty Disclaimer** or **Limitation of Remedies** in any manner.

It is not intended that this product be used to practice any applicable patent, whether mentioned or not, without procurement of a license, if necessary, from the owner, following investigation by the user.



100 Nisus Drive, Rockford, TN 37853 USA • {{Telephone Number}}

Made in the U.S.A.

Pro-Joe-S is a trademark and Nisus Corporation is a registered trademark of Nisus Corporation.
©20xx Nisus Corporation. (insert Marketing label code)

{beginning of Minimal label language}

PRO-JOE-S Roach Bait/Gel Formula 15

**CAUTION
KEEP OUT OF REACH OF CHILDREN**

For use in and around homes, commercial, industrial, institutional, food and feed handling establishments.

Active Ingredients: Boric Acid (CAS No. 10043-35-3).....	15%
Other Ingredients:	85%
TOTAL.....	100%

See outer container for additional precautionary statements, first aid treatments and directions for use.

NOT FOR INDIVIDUAL SALE

Net Wt. 1.06 oz (30 g)
EPA Registration No. 54452-6
EPA Est. No. _____



100 Nisus Drive, Rockford, TN 37853, USA • {{Telephone Number}}

Made in the U.S.A.

Pro-Joe-S is a trademark and Nisus Corporation is a registered trademark of Nisus Corporation.
©20xx Nisus Corporation. {insert Marketing label code}]

{end of Minimal label language}

{...} Master Label Instructions that will not appear on the market labeling
[...] Optional/Alternate Label Language